



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/712,463 | 11/12/2003 | Judith Schwabe | P-4181CIP | 9131 |

24209

7590

11/05/2008

GUNNISON MCKAY & HODGSON, LLP
1900 GARDEN ROAD
SUITE 220
MONTEREY, CA 93940

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 11/05/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--|--------------------------------------|---------------------------------------|--|
| Notification of Non-Compliant Appeal Brief (37 CFR 41.37) | Application No. 10/712,463 | Applicant(s) SCHWABE ET AL. | |
| | Examiner TUAN A. VU | Art Unit 2193 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 08 September 2008 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Tuan A Vu/
Examiner, Art Unit 2193

Continuation of 10. Other (including any explanation in support of the above items): The independent claims have been paraphrased in a manner that does not convey the same flow or language as originally claimed, and further are not matched with convincing portions of the Specifications. That is, a same paragraph (e.g. para 0062 used for both input stack matched with input instruction; AND for first instruction is converted to a second instruction ... of a second type) is utilized to map 2 apparently distinct limitations. Moreover, some limitations are left with no parallel matching from the Specifications (e.g. CLAIM 1: input stack representing the state of ... operand stack; converting ... based on the relative size of the first type and second type; matching includes changing the type ... to equal the second type if the operand type ... is the source of ... one operand). In the same manner, in claims 20, 39, 58, 77-78, some long limitations are not provided with any portions of the Specifications (similar to the deficiencies identified above in claim 1). It is recommended that the subject matter of the independent claims are to reproduced in the Summary with the very same syntactic format as recited, and for each of the limitations precise portions of the Disclosure be used, i.e. with not a single limitation being left unmatched with corresponding means-plus-function of the Specifications.